

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Ruggent
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FILE:B-210455

DATE: February 14, 1983

MATTER OF: Syndex Recovery Systems, Inc.

DIGEST:

GAO will not review rejection of the low small business offeror as nonresponsible where offeror failed to file certificate of competency application with the Small Business Administration.

Syndex Recovery Systems, Inc. (Syndex), protests the rejection of its low offer under request for proposals (RFP) No. 41608-83-R-1442 issued by Kelly Air Force Base.

The protester argues that the Government used outdated and incomplete information in making a judgment that its firm did not possess sufficient working capital to successfully complete the work called for in the RFP.

We have been advised by the Air Force that the contracting officer initially determined Syndex to be nonresponsible. Because of Syndex's small business size status, the matter was referred to the Small Business Administration (SBA) for a determination as to whether a certificate of competency (COC) would be issued. Syndex failed to file an application for a COC and the SBA subsequently closed its file in the matter without issuance of such a certificate. As a result of the negative preaward survey and Syndex's failure to obtain a COC from the SBA, Syndex's offer was rejected.

It is the responsibility of a small business firm determined to be nonresponsible to file a complete and acceptable COC application with the SBA in order to avail itself of the possible protection provided by statute and regulation against unreasonable determinations by contracting officers as to its responsibility. Greenbrier Industries, Inc., B-191380, April 24, 1978, 78-1 CPD 315. Under 15 U.S.C. § 637(b)(7) (1976), as amended by Pub. L. 95-89 § 501, 91 Stat. 561, August 4, 1977, the SBA has the conclusive authority to issue or deny a COC. Where a firm does

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not file for a COC with the SBA, we will not review the contracting officer's determination of nonresponsibility since such action, in effect, would amount to a substitution of this Office for the agency specifically authorized by statute to review such determinations. Jet International, Inc., B-191183, February 14, 1978, 78-1 CPD 125.

In view of the fact that the protest correspondence raises issues which are not reviewable by this Office, no useful purpose would be served in further development of this case pursuant to our Bid Protest Procedures, 4 C.F.R. part 21 (1982).

Accordingly, we dismiss the protest.

Harry R. Van Cleve
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Acting General Counsel